IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 18TH JULY 2006 / 27TH ASHADHA,1928

Bail Appl..No. 3963 of 2006

CRIME NO. 16/2006 OF EXCISE RANGE, NORTH PARAVUR
.....

PETITIONER/ACCUSED

BIBIN, AGED 26 YEARS,
S/O.MOHANAN, THARAYIL HOUSE,
NANTHYATTUKUNNAM, NORTH PARAVUR, ERNAKULAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
NORTH PARAVUR, ERNAKULAM DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.M. HABEEB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.3963/2006

DATED THIS THE 18TH DAY OF JULY, 2006

O R D E R

The petitioner was arrested on 18.5.2006 at 8.30. p.m., as he was in illegal possession of 280 liters of spirit at Nanthiyattukunnamkara. The arrest was carried out by the Inspector of Excise Range, North Paravur. The petitioner remains in judicial custody, as C.R.No.16/2006 of that Excise Range was registered by the Inspector, for the offence punishable under Sections 58 and 55(a) of the Abkari Act.

2. When the application came up for consideration, the learned counsel for the petitioner submitted that as the investigation is not complete, the petitioner be released on bail, under Section 167(2) Cr.P.C., since his arrest being on 18.5.2006.

3. After hearing both sides and considering the materials on record, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, North Paravur.

(b). The petitioner shall report before the Inspector of Excise Range, North Paravur, once in a week, on every Saturday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 22.7.2006, and thereafter, on the first working day of every month, till the final report is filed.

(c). The petitioner shall not indulge in any activities, violating any of the provisions of the Abkari Act, and if any such offence is found to be committed by the petitioner during bail, the concerned officer, detecting such crime, shall bring the same to the notice of the Judicial Magistrate of First Class, North Paravur, and the learned Magistrate shall pass

appropriate orders, without waiting for any further direction from this Court, either in this bail application or through any other proceedings.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs